

BILL NO. Z-87-05-32

ZONING MAP ORDINANCE NO. Z-20-88

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. V-18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-2-C (Metropolitan Shopping Center)
District under the terms of Chapter 33 of the Code of the
City of Fort Wayne, Indiana of 1974:

Part of the Fractional Northwest Quarter of Section 34,
T31N, R13E, in Allen County, Indiana, more particularly
described as follows:

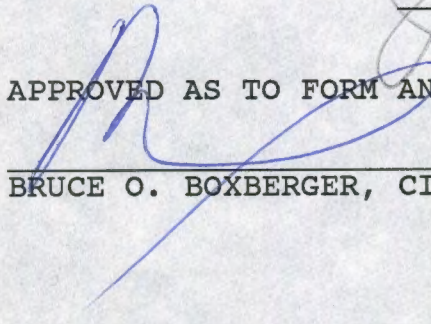
Beginning at the Southwest corner of the fractional NW
1/4 of Sec. 34, T31N, R13E, in Allen County, Indiana;
thence North 00 degrees 13 minutes west along the West
line of the NW 1/4 of Sec. 34-31-13 a distance of 223
feet; thence north 89 degrees 47 minutes East a
distance of 183.25 feet; thence south 00 degrees 13
minutes east a distance 223.69 feet to a point in the
South line of the NW 1/4 of Sec. 34-31-13; thence north
90 degrees 00 minutes west along the South line of the
NW 1/4 of Sec. 34-31-13 a distance of 183.25 feet to
the point of beginning, containing 0.94 acres more or
less and subject to road rights of way and easements.

and the symbols of the City of Fort Wayne Zoning Map No. V-
18, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____, day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Stier, and duly adopted, placed on its
passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>	_____	_____	<u>1</u>
BRADBURY	<u>✓</u>	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____
GIAQUINTA	<u>✓</u>	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____
LONG	_____	_____	_____	_____
REDD	<u>✓</u>	_____	_____	<u>✓</u>
SCHMIDT	<u>✓</u>	_____	_____	_____
STIER	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____

DATED: 12-27-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) (ZONING MAP) _____ ORDINANCE RESOLUTION NO. 2-20-88
on the 27th day of December, 1988.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 28th day of December, 1988,
at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 5th day of January,
1988, at the hour of 2:00 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S

DATE: 5-26-87 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We FORT WAYNE City Plan Commission
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an R-2-C District the property described as follows:

SEE ATTACHED MAP
Approximately 2.5 Acres

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2210 & 2212 Maplecrest Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

_____	_____	_____
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA

REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

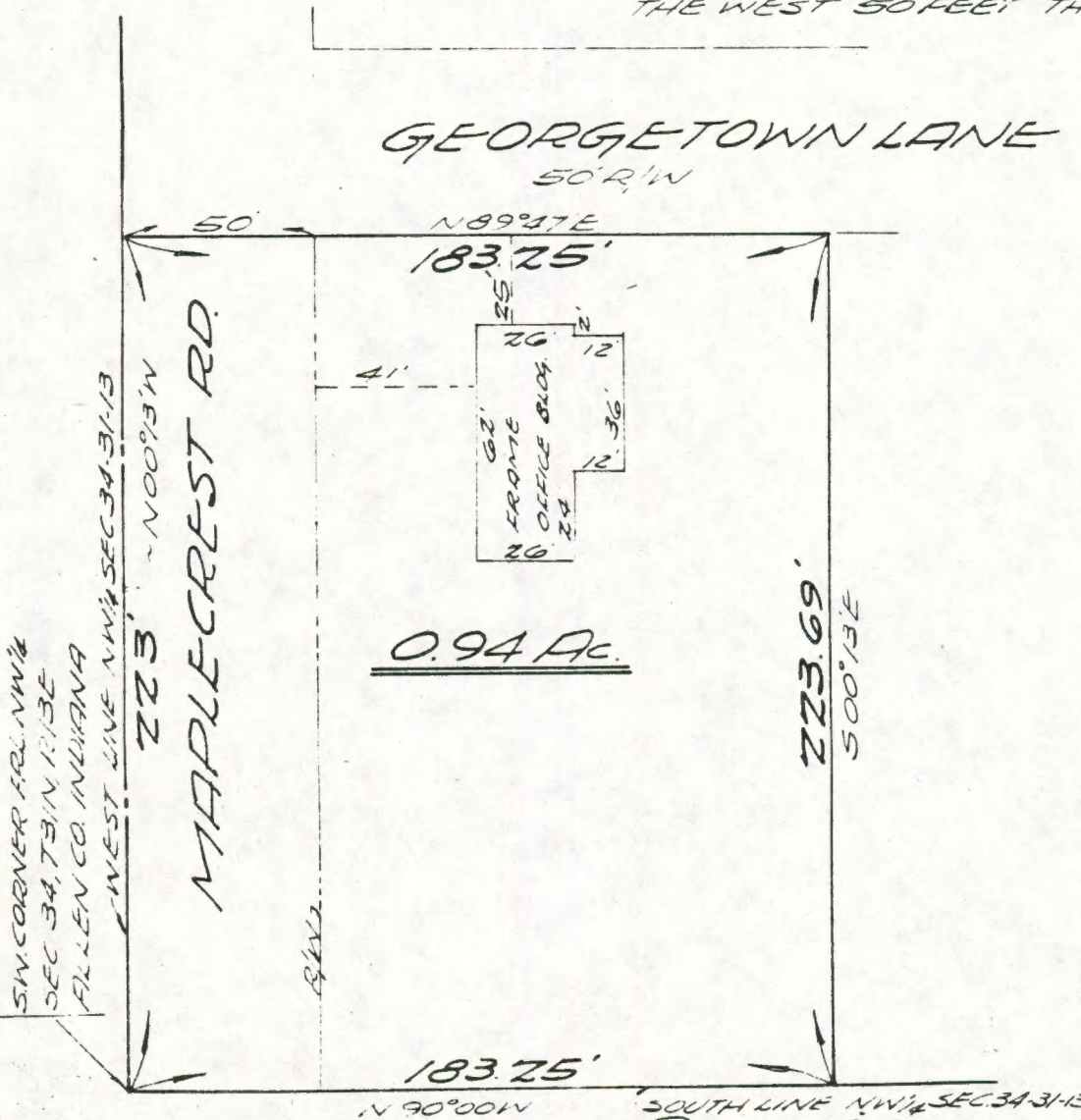
The description of the real estate is as follows, to wit: Part of Fractional Northwest Quarter of Section 34, T31N, R13E, in Allen County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of the fractional NW 1/4 of Sec. 34, T31N, R13E, in Allen County, Indiana; thence north 00 deg. 13 min. west along the West line of the NW 1/4 of Sec. 34-31-13 a distance of 223 feet; thence north 89 deg. 47 min. east a distance of 183.25 feet; thence south 00 deg. 13 min. east a distance of 223.69 feet to a point in the South line of the NW 1/4 of Sec. 34-31-13; thence north 90 deg. 00 min. west along the South line of the NW 1/4 of Sec. 34-31-13 a distance of 183.25 feet to the point of beginning, containing 0.94 acres more or less and subject to road rights of way and easements.

NOTE:
HIGHWAY GRANTS TO ALLEN COUNTY INDIANA, RECORDED IN D.R. #709 PG. #71-72 AND D.R. #701 PG. #394 DO NOT INCLUDE OR COVER ANY PORTION OF THE ABOVE DESCRIBED REAL ESTATE OTHER THAN THE WEST 50 FEET THEREOF!

John R. Donovan 5-4-72

GEORGETOWN LANE
50' R/W



RE-CERTIFIED 3-21-72 *John R. Donovan*

JOB FOR: JEHL BROS.

1" = 50'
9-1-69
REV 3-21-72
REV 3-23-72
Rev. 5-4-72

John R. Donovan

JOHN R. DONOVAN

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 26, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-87-05-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 18, 1987.

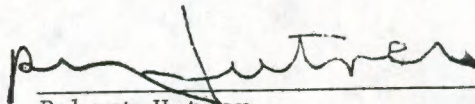
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 1, 1987.

Certified and signed this
4th day of March 1988.


Robert Hutner
Secretary

ORIGINAL

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 2210 & 2212 Maplecrest Road

3-87-05-33

EFFECT OF PASSAGE _____ Property is presently zoned RA - Suburban Residential.
Property will become B-2-C - Metropolitan Shopping Center District.

EFFECT OF NON-PASSAGE _____ Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-05-33

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

From RA to B-2-C

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

2210 & 2212 Maplecrest Road

Reason for Project

Correction of Error

Discussion (Including relationship to other Council actions)

18 May 1987 - Public Hearing

V.C. Seth, Director of Planning for CD&P, stated that this had been initiated by the Plan Commission in order to correct an error. He stated that when this was originally zoned it was in the County and when it was annexed into the City, by mistake, it was left out of the shopping center zoning.

Richard (inaudible) a Board Member of the Valley Park Forest Community Association read a letter to the Commission concerning a conversation between himself, Bruce Julian, Secretary of the Association and Mr. Scott the owner of the complex. The letter stated that they had agreed along with Mr. Scott to rezone the property to a B-1-A, which would allow him to continue his business as it has been run in the past. The association was concerned that the B-2-C zoning would allow for uses that would not be conducive to the area but detrimental.

Steve Smith questioned if the property owner had agreed with the perfection to B-1-A.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**City Plan Commission
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

The gentleman stated it was his understanding that Mr. Scott did agree to that perfection to a B-1-A.

Steve Smith requested prior to the business meeting that the staff confirm that conversation.

V.C. Seth pointed out that a B-2-C is a planned development which gives the city more control over the development of the land. The B-1-A district allows for no Plan Commission control. He stated that the B-2-C would be a logical extension of the shopping center and if the Commission so wished they could require some landscape buffering along the property if zoned to B-2-C.

There was no one else to speak in favor of or in opposition to the proposed rezoning.

1 June 1987 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following condition: The property owner submit a document, in recordable form, that excludes:

- a) Service Stations
- b) Taverns & Bars
- c) Package Liquor Stores
- d) Masseur Salon
- e) Public Bath
- f) Billiard & Pool Hall

From the permitted uses for this parcel.

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

NOTE: The petitioner has submitted and had approved by the Plan Commission attorney a document, which has been recorded, as requested by the Commission.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote. Motion carried.

This request has been held because there was an error in the Restrictive Covenant originally recorded in February 1988. The petitioner has since corrected the error and recorded the Covenant on December 7, 1988.

Project Start

Date 13 April 1987

Projected Completion or Occupancy

Date 8 December 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date 8 December 1988

Reviewed by

V.C. Seth

Date *Dec. 9, 1988*

Reference or Case Number

BILL NO. 2-87-05-33

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. V-18

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury

JANET G. BRADBURY
CHAIRPERSON

MARK E. GIAQUINTA
VICE CHAIRMAN

CHARLES B. REDD

DAVID C. LONG

PAUL M. BURNS

CONCURRED IN

12-27-88

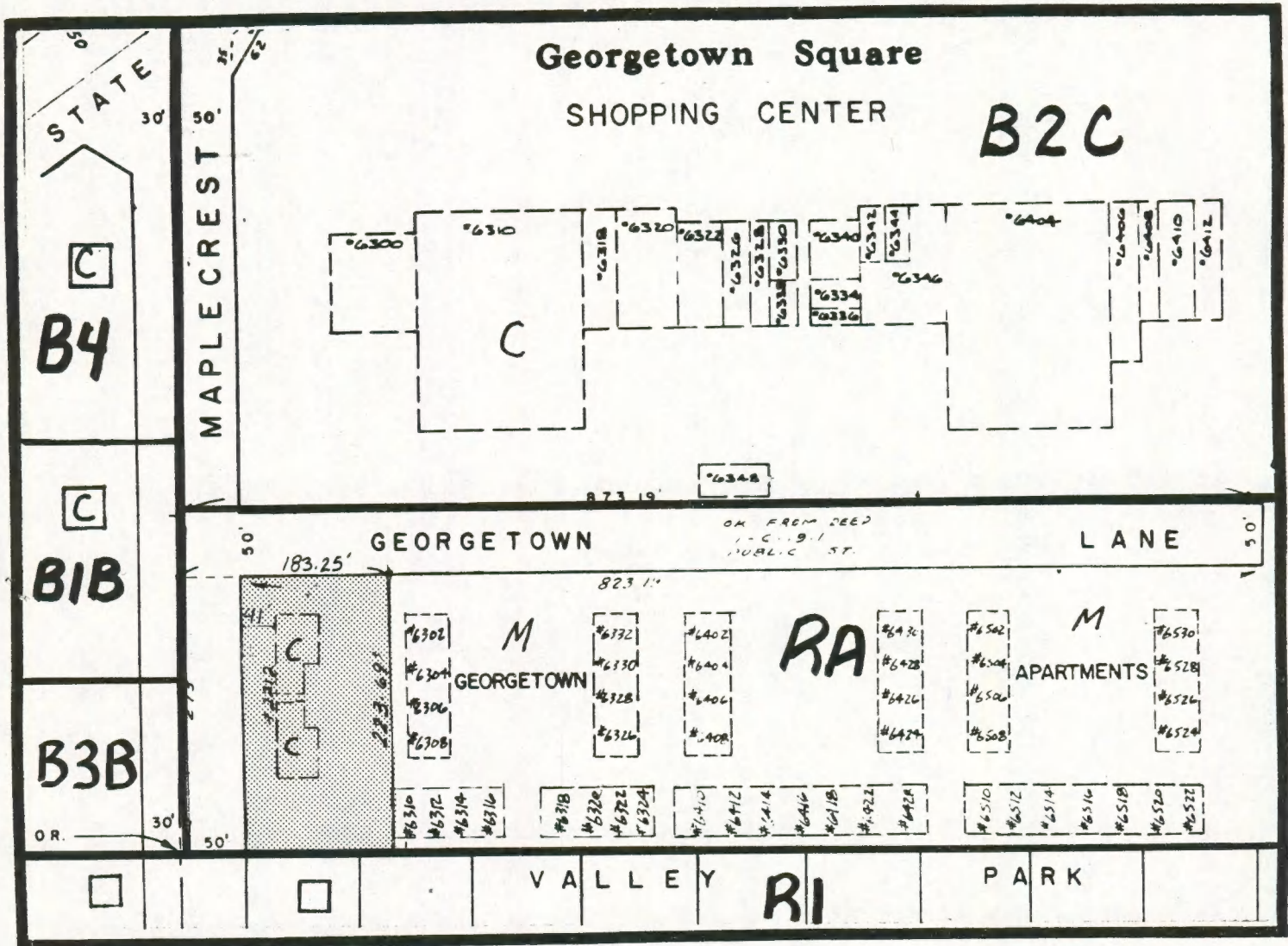
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION #270

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B-2-C DISTRICT

MAP NO. V-18

COUNCILMANIC DISTRICT NO. 2



ZONING:

RA RESIDENCE 'A'
 RI RESIDENTIAL DISTRICT
 B2C METROPOLITAN SHOPPING CENTER
 B1B LIMITED BUSINESS 'B'
 B3B GENERAL BUSINESS 'B'
 B4 ROADSIDE BUSINESS

LAND USE:

☐ SINGLE FAMILY
☒ MULTI-FAMILY
☒ COMMERCIAL

SCALE: 1" = 200'

DATE: 4-29-87

